IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5512 OF 2006

M.Isaque Ladlesaheb Inamdar ..Petitioner.
Vs.
Karimsaheb Jaharoddin and Ors. ..Respondents.

Mr.S.A.Kumbhakoni, adv. for the Petitioner.
Mrs.Geeta P. Mulekar, adv. for the Respondent No.1.

CORAM : J.H.BHATIA, J.
DATE : AUGUST 17, 2007.

P.C.

1. Heard the learned counsel for the Parties.

2. With consent of the learned counsel for the parties, the order dated 15-6-2006 passed by the IVth Ad-hoc Additional District Judge, Solapur in Civil Misc. Application No.185 of 2004 rejecting the application for condonation of delay is hereby set aside. The ex-parte decree passed by the IVth Joint Civil Judge Junior Division in Regular Civil Suit No.1407 of 2000 filed by the respondent nos.1 and 2 also stands set aside. The said suit is remanded back to the trial Court for giving opportunity to the petitioner, who is original defendant no.1, to file written statement within four weeks from this day subject to his paying cost of Rs.10,000/- to the plaintiffs. If he deposits the cost and also files

written statement within four weeks before the trial Court, the learned trial Court shall proceed with the suit as per law and dispose of the same as early as possible. If the petitioner fails to pay the cost or to file written statement within the stipulated period, this petition shall be deemed to have been dismissed.

3. With aforesaid directions, petition is disposed off.

[J.H.BHATIA, J.]